



PTO/SB/21 (09-08)

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Application Number	10/670,046
Filing Date	September 24, 2003
First Named Inventor	Frank Hardt
Art Unit	1794
Examiner Name	Anish P. Desai
Attorney Docket Number	RO0233US.CON (#90568)

Total Number of Pages in This Submission

ENCLOSURES (Check all that apply)

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	D. Peter Hochberg Co., L.P.A.		
Signature			
Printed name	Sean F. Mellino		
Date	October 15, 2008	Reg. No.	48,817

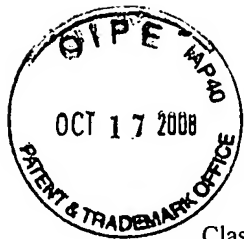
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Sean F. Mellino

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Frank Hardt & Paul Genich
Serial No. : 10/670,046 / Conf. No. 5022
Filing Date : September 24, 2003
Examiner : Anish P. Desai
Technology Center : 1794
Title : Method for Producing Adhesive Blanks From and
Endless Band and Blanks Obtained According to
Said Method
Attorney File : RO0233US.CON (#90568)
Appeal No. : 2008-1248
Mail Stop Appeal Brief - Patents
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REPLY TO ORDER UNDER 37 C.F.R. § 41.50(d)

Dear Sir:

This filing is in response to the Board's Order Under 37 C.F.R. § 41.50(d) issued
on August 28, 2008.

REMARKS

By the present "Order Under 37 C.F.R. § 41.50(d)," the Board has requested that the Appellants submit additional information on certain matters in order to reach a decision on certain relevant matters as discussed below.

1. The Board states that if the Appellants dispute the Board's interpretation of the record set forth above, including, but not limited to the status of PCT/EP99/05562 as the Specification in this case, then the Appellants may elaborate upon any such dispute and provide any relevant supporting documentation (if any).

The Appellants submit that on page 6 of the Board's Order, it is noted that the "identify and translation of the specification at issue in this application is in doubt." The Board further refers to Application No. 09/763,268 which is the parent application of the present application. As recorded in the present file, a copy of the International application as filed, as well as the English translation were filed ("as provided in the Notification of Acceptance of Application" dated April 23, 2001). The International Application as filed was PCT/EP99/05562, which was published as WO 00/10781 in German. The English translation of this International application formed the basis of the parent application 09/763,268 and, in turn, present application Serial No. 10/670,046. Nevertheless, as indicated below, verified translations PCT/EP99/05562 and WO 00/10781 are submitted herewith.

2. The Board has requested that a verified English translation of PCT/EP99/05562 and WO 00/10781 be provided.

Verified English translations of these documents are enclosed herewith as requested by the Board.

3. In the context of PCT/EP99/05562, the Board states that the Appellants are specifically required to provide the most accurate English translation of the German language phrase “als kompaktes Material” (WO 00/10781). The Board notes that “als kompaktes Material” may refer to “compact material” whereas instant claim 1 refers to “compacted material.”

The Appellants submit that when considering the context of the specification, the phrase “als kompaktes Material” refers to “natural and synthetic polymers” which are preferred materials for producing the matrix layer, and which are generally non-adhesive. These matrix materials may be present “als kompaktes Material,” which means that they have the physical properties of a “kompaktes Material.”

As stated by the Board, the most accurate translation of the German term “kompaktes Material,” or alternative to “kompaktes Material,” would be “compact material.” However, it is submitted that the English term “compact” has several meanings which are slightly different. In the expression “compact material,” the term “compact” would have to be interpreted as “dense / solid” in order to match the German term “kompakt” as closely as possible.

4. The Board states that in the context of PCT/EP99/05562, the Appellants are required to indicate whether “Schaum, Gewebe, poröse Folie, Vlies etc.” are examples of “kompaktes Material,” or alternatives to “kompaktes Material.”

The Appellants submit that the phrase translates to “foam, fabric, porous sheet, nonwovens fabric, etc.” and are alternatives to “kompaktes Material” rather than examples of “kompaktes Material.” It is also noted that some of the exemplary matrix layer materials recited in paragraph [0041] of the present specification may be present


either as a compact material or as a non-compact (i.e., foamed, porous) material, for instance, polyurethanes, polyethylenes and polypropylenes. Therefore, the wording "may be present as" is used in this paragraph of the specification.

Conclusion

The Board is invited to contact the undersigned if any additional information or clarification is required.

Respectfully submitted,

Date: October 15, 2008

By: 
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